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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,491	07/27/2001	Antonius H.J. Gerrits	FCI-2699/4450G	9222

23377 7590 12/29/2003  
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1650 MARKET STREET  
PHILADELPHIA, PA 19103

EXAMINER
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LEE, DIANE I

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/916,491	<b>Applicant(s)</b> GERRITS ET AL.	
	<b>Examiner</b> D. I. Lee	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 46,47,49,50 and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. Receipt is acknowledged of the Amendment filed 17 September 2003. Claims 48, 51, and 53 have been canceled, claims 46, 49, and 52 have been amended; and no claims have been newly added. Currently, claims 46-47, 49-50, and 52 are pending in this application.
2. Receipt is also acknowledged of the Terminal Disclaimer filed 04 August 2003 to overcome the Double Patenting Rejection (37 CFR §1.321(c)). The terminal disclaimer filed on 04 August 2003 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,058,018 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04 August 2003 has been entered.

### ***Specification***

4. The disclosure is objected to because of the following informalities:
  - (a) Page 2, lines 11: "Fig. 4a-4f" should be changed to --Fig. 4a-4h--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. **Claims 49-50 and 52 are remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

(a) **Re claim 49**, line 2 reads, “electronic card assembly deflecting less than the PCMCIA standard during a PCMCIA bend test which applies a force of approximately 20N”, it is unclear what is the PCMCIA standard value of the PCMCIA bend test when applied force is approximately 20N. Without the specific reference value (i.e., the electronic card assembly deflecting value of the PCMCIA standard during a PCMCIA bend test when the applied force is approximately 20N), claimed feature of determining the difference (i.e., claimed electronic card assembly deflecting less than the PCMCIA standard during a PCMCIA bend test which applies a force of approximately 20N) would be vague and indefinite. Applicant has failed to point out the PCMCIA standard value of the PCMCIA bend test when applied force is approximately 20N in the claim.

(b) **Re claim 52**, line 2 reads, “card displacing less than the PCMCIA standard during a fingernail test which applies a force of more than approximately 100N”, it is unclear what is the PCMCIA standard during a fingernail test, which applies a force of more than approximately 100N. Without the specific reference value (i.e., the card displacing value of the PCMCIA standard during a fingernail test when applied force is more than approximately 100N), claimed feature of determining the difference (i.e., claimed card displacing is less than the PCMCIA standard during a fingernail test which applies a force of more than approximately 100N) would be vague and indefinite. Applicant has failed to point out the PCMCIA standard during a fingernail test when applied force is more than approximately 100N in the claim.

Therefore, claims 49 and 52, and claims depend therefrom (claim 50) are vague and indefinite. Appropriate correction and/or clarification are required.

*Allowable Subject Matter*

7. Claims 46-47, 49-50, and 52 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action (see the discussion above).

8. The following is an examiner's statement of reasons for allowance:

Persia discloses an electronic card or a PCMCIA frame kit with a printed circuit board assembly interposed between the metallic materials of card shields. The specific structure of the card assembly includes the metallic material of card shields having edges wherein the tabs on the edges of one shield engage recesses on the edge of the other shield and each of the tabs includes an arcuate member having an oblique projection which engages the other shield, and the recess has angled ends, which engage the arcuate member of the tabs. The tabs are resilient and act like springs over their entire lengths, provides a stable and rigid frame kit, and all structure of the card assembly yields some degrees of rotation, deflection, and displacement when a force is applied to the structure. The metallic material of the electronic card shield with the specified structure of Persia provides a predetermined measurable deformation (i.e., rotation, deflection, displacement) when it is subjected to a specific given force;

Kilmer teaches a PCMCIA or an electronic card assembly standard specification requires that the physical structure of the electronic card assembly must undergo and pass a number of stringent mechanical test such as a shock and vibration test, a bend test, a torque test, and etc.

One of ordinary skill in the art would not have been motivated to modify the teachings of Persia and Kilmer, alone or in combination with other references, in order to obtain the specific claimed deformability of the electronic card assembly, i.e., the specific deformability of the card assembly without printed circuit board withstanding the rotating angle of greater than approximately 10° when the torque of

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greater than approximately 1.2 N-m is applied during the torque test, the specific deformability of the card assembly having a deflection of less than the known PCMCIA standard when a force of approximately 20N is applied during the bend test, and the specific deformability of the card assembly without printed circuit board having a displacement of less than the known PCMCIA standard when a force of approximately 100N is applied during the fingernail test, as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

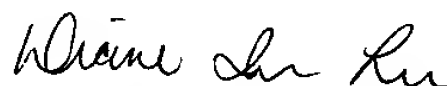
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is 703-306-3427. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

**Note:** After January 15, 2004, the examiner can be reached on 571-272-2399 and the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398.



D. I. Lee  
Primary Examiner  
Art Unit 2876